

RESOLUTION AGREEMENT
NEW BRITAIN BOARD OF EDUCATION
COMPLAINT NO. 01-13-1219

To resolve the allegations raised to the U.S. Department of Education, Office for Civil Rights (OCR), in Complaint 01-13-1219, the New Britain Board of Education (Board) agrees to implement this Agreement, drafted in accordance with OCR's jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104 (Section 504) and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II).

I. Student Remedies

1. By **February 1, 2014**, the District will provide OCR with documentation evidencing that the XX the Student received in his 2012-2013 XXXXXXXX class has been fully removed from his record.
2. By **February 1, 2014**, the District will provide OCR with documentation evidencing that the Student's teachers and service providers have received information about the Student's specific disability and how it affects him. This information may include a phone-training or similar by the XXXXXXXX Foundation (<http://www.XXXXXX.org>); a team meeting including all of the Student's teachers, where a doctor or other provider who is familiar with XXXXXXXXXXXXXXXXXXXX provides information; or a similar method of providing such information.
3. By **February 1, 2014**, the District will offer the Student, through the Complainant, 10 hours of academic tutoring to address lapses of 504 Plan implementation during the 2012-2013 school year, and will provide OCR with a copy of its offer provided to the Complainant. If the Complainant chooses to use this tutoring, **by July 1, 2014**, the District will provide OCR with evidence that it was provided, such as attendance sheets completed by the tutor.
4. The Director of Pupil Services will oversee the implementation of the Student's Section 504 Plan by the Student's teachers for the remainder of the 2013-2014 school year. By **July 1, 2014**, the District will provide OCR with documentation that this occurred, such as observation notes of the Student's classes; notes from periodic meetings held with staff and/or the Complainant to address any concerns, or other documentation that evidences that the District implemented each provision of the Student's plan.

II. Policies and Procedures

- A. The District will clarify and/or develop procedures regarding its obligations to students who, because of disability, need, or are believed to need, special education and related services pursuant to Section 504/Title II, with particular attention to the evaluation, and placement requirements at 34 C.F.R. Sections 104.35(c), as well as the obligation to provide team-determined services. In particular, the procedures will ensure that:
 1. Evaluation and placement teams include persons knowledgeable about evaluation data, including personnel qualified to interpret information about a student's disability (e.g., a school psychologist when a student is suspected of emotional disabilities, a nurse when a student is suspected of having a physical disabilities);
 2. That if such teams determine that they need additional information regarding a student's disability, including how it may affect him/her, the District must seek and pay for such information;

3. Teams will consider, and document that they have considered, information from variety of sources, including information about a suspected disability and how it affects the student who is the subject of the team meeting; and
 4. Implementation of 504 plans will be monitored to ensure compliance.
- B. The District will clarify its policies and policies regarding disability discrimination, as required by Section 504 and Title II, at 34 C.F.R. Sections 104.7- 104. 8 and 28 C.F.R. Section 35.107, respectively. Specifically, the District will:
1. Revise its Notices of Non Discrimination in its High School Handbook(s) and on the District Website, including for employees, so that the employee(s) designated as Section 504/Title II Coordinators are consistent.
 2. Revise its Grievance Procedures in its High School Handbook(s) and on the District's website, so that 1) individuals who are not students or employees are included as eligible to file concerns, and 2) the steps of the procedure are consistent across High School Handbook(s) and the District's policies as provided on its website.
- C. By **March 1, 2013**, the District will submit revised policies and procedures to OCR for review and approval.
- D. **Within 30 days of OCR's approval** of these policies and procedures, the District will:
1. Publish these procedures on its website where its policies and procedures are published, as well as on the High School's website;
 2. Provide a copy of the new policies and procedures via email and/or direct mail, to parents of all High School students in the District who are currently on 504 Plans; and
 3. Provide a copy of the new policies and procedures via email to all High School staff.
- E. **Within 60 days of OCR's approval**, the District will provide to OCR documentary evidence that it has taken the steps required by Paragraph II (E) this publication.

III. Training

- A. All training noted below will be conducted by an OCR Staff person, or, if OCR is not available, an individual with expertise in Section 504 and Title II, who will be subject to the approval of OCR. All training materials must be submitted for OCR review and approval **at least 15 days** prior to the training. The District will provide OCR with documentation of staff attendance for each training noted below (including names and titles) **within 30 days** from when the training occurred. Finally, the District will provide OCR evidence that it provided makeup trainings for any absent staff or new employees during the 2013-14 school year.
- B. By **March 1, 2014**, the Superintendent, Director of Pupil Personnel Services (Director), High School (School) Principal, Associate Principals, High School guidance counselors and all High School teachers, as well as any additional staff the District wishes to include, will receive training on the District's obligations under Section 504/Title II regarding eligibility, evaluation, placement and plan implementation. Specifically, the training will include the following topics:
1. Eligibility criteria under Section 504 and Title II (including information on the ADA Amendments Act of 2008);

2. Evaluation and placement requirements according to 34 C.F.R. Sections 104.35(b) and (c);
3. Obligation to provide team-determined accommodations and to seek assistance if difficulties are encountered; and
4. Reevaluation requirements according to 34 C.F.R. Sections 104.35(d).

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, including any out-of- District placement, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

The Board understands that OCR will not close the monitoring of this Agreement until OCR determines that the Board has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

_____/s/_____
Kelt Cooper
Superintendent of Schools
New Britain Board of Education

Date